

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--------------------------|-----------|-------------------------------|
| UNITED STATES OF AMERICA | : | CASE NO. 1:12-CR-449-12 |
| | Plaintiff | : |
| -vs- | | |
| NICHOLAS WILLOUGHBY | : | <u>ORDER ACCEPTING PLEA</u> |
| | Defendant | <u>AGREEMENT AND JUDGMENT</u> |
| | | : |

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Nicholas Willoughby which was referred to the Magistrate Judge with the consent of the parties.

On 26 September 2012, the government filed a three-count indictment against Nicholas Willoughby for conspiracy to possess with intent to distribute and distribution of cocaine in violation of 21 U.S.C. § 846, and use of a communication facility to facilitate a drug trafficking offense in violation of 21 U.S.C. § 843(b). On 5 October 2012, a hearing was held in which Nicholas Willoughby entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On 2 May 2013, Magistrate Judge McHargh received Nicholas Willoughby's plea of guilty and issued a Report and

Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Nicholas Willoughby is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Nicholas Willoughby is adjudged guilty of Count One in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C).

IT IS SO ORDERED.

Dated:

May 20 2013

Lynn T. Russell
UNITED STATES DISTRICT JUDGE